

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LAWRENCE REYNOLDS,

Plaintiff,

v.

TED STRICKLAND, et al.,

Case No. 2:08-cv-442

JUDGE GREGORY L. FROST

Magistrate Judge Mark R. Abel

Defendants.

ORDER

On December 9, 2009, this matter came before the Court as part of a joint hearing held in regard to various other cases involving challenges to Ohio's execution procedures. At the outset of that proceeding, the Court discussed with the parties the effect of the Sixth Circuit's recent decision of *Cooey v. Strickland*, No. 09-4474 (6th Cir. filed Dec. 7, 2009), as well as the effect of the November 30, 2009 protocol adopted by the State of Ohio on this litigation. The Court incorporates herein the content of those discussions and all orders made in open court.

Additionally, this Order memorializes the results of those discussions as follows:

(1) The parties agreed the November 30, 2009 protocol presents a new statute of limitations and Plaintiff is not time barred from proceeding to challenge the protocol. Defendants stated that they will not assert a statute of limitations defense in regard to a challenge to the protocol.

(2) The remand inquiry into the statute of limitations is therefore moot.

(3) Plaintiff shall file a new complaint initiating a new case or move to intervene in Case No. 2:04-cv-1156 on or before January 8, 2010.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE